

AMENDED IN SENATE AUGUST 22, 2002

AMENDED IN SENATE JUNE 25, 2002

AMENDED IN ASSEMBLY MAY 14, 2002

AMENDED IN ASSEMBLY APRIL 15, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2474

Introduced by Assembly Members Simitian and Chan
(Principal coauthor: Senator Kuehl)

February 21, 2002

An act to add ~~Section 13710.1 to~~ *Article 7.5 (commencing with Section 17582)* is added to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, relating to automotive products.

LEGISLATIVE COUNSEL'S DIGEST

AB 2474, as amended, Simitian. Automotive products.

Existing law requires the Department of Food and Agriculture to establish specifications for engine coolants or antifreeze that promote the public safety in the operation of motor vehicles. ~~Existing law also provides for the regulation by the department of certain other automotive products.~~

This bill would require any engine coolant or antifreeze sold in this state after ~~July 1, 2003~~ *January 1, 2004*, that is manufactured after ~~January~~ *July* 1, 2003, and that contains more than 10% ethylene glycol, to include denatonium benzoate at a minimum of 30 parts per million as a bittering agent so as to render it unpalatable, or another equivalent aversive agent. *The bill would require manufacturers and packagers of*

these products to maintain records and to furnish specified information to any member of the public upon request.

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The bill would also provide that a manufacturer, distributor, recycler, or seller of an automotive product that is required to contain an aversive agent under these provisions is not liable to any person for any personal injury, death, or property damage that results from the inclusion of denatonium benzoate in ethylene glycol antifreeze, with specified limitations.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. ~~Section 13710.1 is added to Article 7.5~~
2 ~~(commencing with Section 17582) is added to Chapter 1 of Part~~
3 ~~3 of Division 7 of the Business and Professions Code, to read:~~

4 ~~13710.1.—~~

5 17582. (a) Any engine coolant or antifreeze sold in this state
6 ~~after July 1, 2003~~ *January 1, 2004*, that is manufactured after
7 ~~January~~ *July 1, 2003*, and that contains more than 10 percent
8 ethylene glycol, shall include denatonium benzoate at a minimum
9 of 30 parts per million as a bittering agent within the product so as
10 to render it unpalatable. Another aversive agent may be used if it
11 meets or exceeds the degree of aversion in test subjects obtained
12 by utilizing the formulation of 30 parts per million of denatonium
13 benzoate in antifreeze. Any manufacturer or packager of a product
14 subject to this section shall ~~certify in writing to the Division of~~
15 ~~Measurement Standards of the Department of Food and~~
16 ~~Agriculture, the trade~~ *maintain a record of the trade name,*
17 scientific name, and active ingredients of any bittering agent used
18 pursuant to this chapter ~~not later than 30 days after the agent has~~
19 ~~been included in the product.~~ *Information and documentation*
20 *maintained pursuant to this section shall be furnished to any*
21 *member of the public upon request.*

22 (b) (1) A manufacturer, distributor, recycler, or seller of an
23 automotive product that is required to contain an aversive agent
24 under this section is not liable to any person for any personal
25 injury, death, or property damage that results from the inclusion of
26 denatonium benzoate in ethylene glycol antifreeze.



1 (2) The limitation on liability provided by this subdivision is
2 only applicable if denatonium benzoate is included in ethylene
3 glycol antifreeze in concentrations mandated by this section.

4 (3) The limitation on liability provided by this subdivision does
5 not apply if the personal injury, death, or property damage results
6 from willful or wanton misconduct by the manufacturer,
7 distributor, recycler, or seller of the ethylene glycol antifreeze.

8 (c) This section shall not be construed to apply to any of the
9 following:

10 (1) The sale of a motor vehicle that contains engine coolant or
11 antifreeze.

12 (2) Wholesale containers of antifreeze containing 55 gallons or
13 more of the antifreeze.

